

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1199565-0

Total Deleted Page(s) = 1
Page 7 ~ b6; b7C;

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UNITED STATES GOVERNMENT

Memorandum

TO : SAC [REDACTED]

DATE: 9/28/73

b6
b7C
b7D

FROM : SA PETER J. WACKS, JR.

SUBJECT: [REDACTED]

Dates of Contact	
8/10, 8/24/73; 9/19, 9/27/73	
File #s on which contacted (Use Titles if File #s not available or when CI provides positive information)	
76-5092	[REDACTED]
✓ 179-331	SAMUEL ANNERINO, aka: ET AL, [REDACTED] -
	VICTIM ECT (WACKS)
92-3539	[REDACTED] (LONG)
Purpose and results of contact	
<input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> STATISTIC	
CI advised on 8/10/73 and 8/24/73 that SAM ANNERINO was actively involved in the management of several office buildings in the loop among those being the Bankers Building, 105 West Adams. CI indicated that ANNERINO is apparently associated [REDACTED] an individual identified as [REDACTED] CI could furnish no information of any further value regarding [REDACTED]	
(It should be noted that the Chicago Crime Commission discovered as part of an independent investigation made public on 8/23/73 through 8/30/73 that in fact ANNERINO [REDACTED] not only managed several buildings	
<input type="checkbox"/> POSITIVE ASSIGNMENT GIVEN (Ghetto only)	
Has informant shown any indication of emotional instability, unreliability or furnishing false information? No	
<input checked="" type="checkbox"/> Informant certified that he has furnished all information obtained by him since last contact, including information concerning narcotics.	Coverage Same
PERSONAL DATA	

1 - Each pertinent file
 PJW/mek
 (4) mek

179-331-95

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 1 1973	
FBI—CHICAGO	

APM

b6
b7C
b7D

[redacted]
in Chicago and Cal Park, Illinois, but were negotiating for the purchase of two Loop hotels for \$7 million. In this regard they claimed to represent New York City interests.)

CI advised on 8/10/73 and 9/19/73 and 9/27/73

[redacted]
[redacted] CI advised that he would remain alert for any new information regarding the precise whereabouts of [redacted].

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, [REDACTED]

DATE: 10/9/73

b6
b7C
b7D

FROM : SA PETER J. WACKS, JR.

SUBJECT: [REDACTED]

Dates of Contact	
10/1/73	
File #s on which contacted (Use Titles if File #s not available or when CI provides positive information)	
✓ 179-331 SAMUEL ANNERINO, AKA; ET AL;	
[REDACTED] - VICTIM; ECT (SA PETER J. WACKS, JR.)	
Purpose and results of contact	
<input type="checkbox"/> NEGATIVE <input checked="" type="checkbox"/> POSITIVE <input type="checkbox"/> STATISTIC	
<p>CI advised on 10/1/73 that SAM ANNERINO is currently driving a 1973 Lincoln two door, bearing 1973 Illinois license VH 3085. The source further indicated that the car was apparently financed at the Melrose Park National Bank, 17th Avenue and Lake Street, Melrose Park, Illinois. The source indicated that the car was supposed to be titled in the name of [REDACTED]</p> <p>It should be noted that the Motor Vehicle Division, Illinois Secretary of State, reflected the following registration for the 1973 Illinois license [REDACTED]</p> <p><input type="checkbox"/> POSITIVE ASSIGNMENT GIVEN (Ghetto only)</p>	
Has informant shown any indication of emotional instability, unreliability or furnishing false information?	
No.	
<input checked="" type="checkbox"/> Informant certified that he has furnished all information obtained by him since last contact, including information concerning narcotics.	Coverage
	Same
PERSONAL DATA	

179-331-96

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 10 1973	
FBI - CHICAGO	

(2) Chicago

PJW: kas

(2)

kas

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE CHICAGO	OFFICE OF ORIGIN CHICAGO	DATE 9/28/73	INVESTIGATIVE PERIOD 5/31/73 - 9/27/73
TITLE OF CASE ET AL; - VICTIM		REPORT MADE BY SA PETER J. WACKS, JR.	TYPED BY jms
		CHARACTER OF CASE ECT	

b6
b7CREFERENCE: Chicago report of SA PETER J. WACKS, JR. dated 5/31/73.

- P -

LEADSCHICAGOAT CHICAGO, ILLINOIS. Will follow prosecutive activity in instant matter.

ACCOMPLISHMENTS CLAIMED				<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CON VIC.	FUG.	FINES	SAVINGS	RECOVERIES		
APPROVED						SPECIAL AGENT IN CHARGE
COPIES MADE:						DO NOT WRITE IN SPACES BELOW
3 - Bureau 1 - USA, Chicago (Attn.: AUSA) 1 - AIC, Chicago Field Office (PETER VAIRA) (2) - Chicago (179-331)						179-331-97 SEARCHED SERIALIZED INDEXED FILED
Dissemination Record of Attached Report						Notations
Agency						
Request Recd.						
Date Fwd.						
How Fwd.						
By						

- A* -
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Chicago (Attention: AUSA [redacted])
1 - Attorney-in-Charge, Chicago Field Office (PETER VAIRA)

b6
b7C

Report of: SA PETER J. WACKS, JR.
Date: 9/28/73

Office: Chicago

Field Office File #: 179-331

Bureau File #:

Title: [redacted]
ET AL;
[redacted] - VICTIM

Character: EXTORTIONATE CREDIT TRANSACTION

Synopsis:

Subjects [redacted] and SAM ANNERINO, remain free on \$10,000 appeals bond each pending results of their appeal with the United States Court of Appeals following convictions of violation of Title 18, USC, Section 894, in 11/72. [redacted] arrested 6/18/73, by Illinois Bureau of Investigation on warrants for attempted burglary and bond default. [redacted] acquitted in instant matter in 11/72, arrested 4/73, Livingston County Sheriff's Office, Pontiac, Illinois, on burglary charges.

- P -

DETAILS:

Assistant United States Attorney (AUSA) [redacted] was contacted on September 5, 1973, and advised that convicted subjects [redacted] and SAM ANNERINO continue free on \$10,000 appeal bonds pending termination of the appeal by the United States Court of Appeals. He advised this matter has not been ruled on by the Court of Appeals. Special Agent (SA) [redacted] Illinois Bureau of Investigation (IBI), 209 North Michigan Avenue, Chicago, Illinois, advised that on June 18, 1973, [redacted] was arrested on warrants outstanding in Cook County for attempted burglary (warrant number [redacted]) and bond default (warrant number [redacted]). He was arrested at a residence located at [redacted] Illinois,

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CG 179-331

during the execution of a search warrant. [] was using the name [] at the time.

b6
b7C

[] acquitted in the instant case in November, 1972, was arrested on April 26, 1973, in Watseka, Illinois, by the Livingston County Sheriff's Office, and charged with the theft of approximately \$16,000 worth of fertilizers from a location in Strawn, Illinois. At the time of his arrest, [] indicated his residence to be in [] located at [] Illinois. Subsequent investigation reflects that [] resides in []

It should be noted that this matter is being investigated by the Springfield Division in a case entitled, "UNSUBS; THEFT OF 420 GALLONS SUTAN, 390 GALLONS TREFLAN; 200 GALLONS LASSO FERTILIZERS FROM SOHIGRO FERTILIZER PLANT, STRAWN, ILLINOIS. 4/16/73, OR 4/17/73. ITSP OO: SPRINGFIELD." Springfield file number 87-16020 and Chicago file number 87-40164.

Chicago Crime Commission publicly disclosed on August 23, 1973, that SAMUEL ANNERINO and an individual identified as [] were managing several large office buildings in the Chicago Loop area as well as suburban Oak Park. In addition, these individuals were offering six million for the purchase of two hotels in Chicago. Both of these individuals claim to be acting on behalf of an individual identified as []

It should be noted that a good deal of publicity was generated by these disclosures in view of [] connection with organized crime elements in the Chicago area. This matter is being investigated and reported in Chicago case entitled, [] AKA; AR. OO: CHICAGO," Chicago file number 92-3539.

RECORD OF INFORMATION FURNISHED OTHER AGENCIES

Orally 10/5/73 By Telephone _____ Written Communication _____
date date date

Information concerning:

b6
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AND SAM ANNERINO

Information furnished from File, Serial, and Page Number: 92-3539 & 179-331

Information furnished was obtained:

☒ during course of Bureau investigation☐ from informants☐ from complainants or other sources

Information furnished to: ILLINOIS DEPARTMENT OF REVENUE

Number of items disseminated: 3

Remarks:

Information developed during investigation developed fact that none of the above mentioned filed income tax returns for 1972. The Illinois Dept. of Revenue advised that this is correct, and are instituting an audit of 1971 returns and will take action regarding failure to file 1972 returns.

179-331-98

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 12 1973	
FBI - CHICAGO	

Special Agent

1- 92-3539
 ①- 179-331
 1- 66-4799

FEDERAL BUREAU OF INVESTIGATION

1

10/15/73

Date of transcription

[redacted] Royal Lincoln-Mercury, Incorporated, 1600 West North Avenue, Melrose Park, Illinois, provided the following:

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SAM ANNERINO, Jr. first came to Royal Lincoln-Mercury to shop for a new automobile in late December, 1972. He was a walk-in customer. ANNERINO eventually purchased a 1973 Lincoln Continental Mark IV on January 31, 1973, and the billing date was February 5, 1973. Payments for the car were discussed by [redacted] and SAM ANNERINO, Jr., the total cost was \$9,500.00. ANNERINO said his credit was bad therefore the car would be [redacted] even though the automobile would actually be SAM Jr's. Two cash payments of \$500.00 and \$1,500.00 were made by SAM ANNERINO, Jr.

The loan for the automobile was secured by [redacted] from Melrose Park National Bank. Negotiations were made by SAM ANNERINO, Jr., [redacted] purchased the automobile. [redacted] were cosigners for the loan. BAKER advised that the [redacted] is supposedly making the payments since he is the only driver.

[redacted] gave the loan application and related forms to SAM ANNERINO, Jr. [redacted] for signatures. [redacted] The forms were returned to [redacted] by SAM ANNERINO, Jr. and they were forwarded to the Melrose Park National Bank where they were subsequently approved.

Interviewed on 10/5/73 at Melrose Park, Illinois File #

SAs [redacted]

and [redacted]

RGL/dah

Date dictated

CG179-331

CG92-3539

99

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 10/15/73

[redacted] Melrose
Park National Bank, 17th Avenue at Lake Street, Melrose
Park, Illinois, provided the following:

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A loan in the amount of \$7,500.00 for the purchase of a 1973 Mark IV Lincoln Continental from Royal Lincoln-Mercury, Incorporated, of Melrose Park, was granted [redacted] on January 31, 1973. Melrose Park National Bank has an agreement with Royal Lincoln-Mercury, Incorporated whereby the loan forms and applications for the purchase of new automobiles can be handled by Royal Lincoln-Mercury personally. When the forms are completed they are returned to the bank.

[redacted] was contacted by [redacted]
[redacted] of Royal Lincoln-Mercury, Incorporated and advised
[redacted] loan application. [redacted] asked
[redacted] would be the only driver and owner,
and when told that SAM ANNERINO, Jr. would be the pri-
mary operator of the vehicle [redacted] to have
[redacted] sign the loan application and title.

The payments for the loan are delinquent; no payments have been received for the past two months. [redacted] does not know whether [redacted] or SAM, Jr. has been making the payments or whether or not payments have been made with cash.

10/5/73 Melrose, Park, Illinois CG 92-3539
Interviewed on at File CG 179-331 -100
SAs [redacted]
and [redacted] RGL/dah
by Date dictated [redacted] 10/10/73

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, CHICAGO (179-331)

DATE: 11/19/73

FROM : SA PETER J. WACKS, JR.

SUBJECT:

[REDACTED]

ET AL;

[REDACTED]

VICTIM

ECT

OO: CHICAGO

b6
b7C

Re Chicago report of SA PETER J. WACKS, 9/28/73.

AUSA [REDACTED] was contacted on 10/5/73 and 11/2/73. On both occasions [REDACTED] indicated that he had received no indication that the U.S. Court of Appeals had ruled in the instant matter.

It should be noted that SAMUEL ANNERINO continues to be investigated in Chicago case entitled, [REDACTED] aka; AR, OO: CHICAGO", Chicago file number 92-3539. It should be noted that Departmental Attorney [REDACTED] has indicated that due to the investigative results in the aforementioned case, he feels that the Grand Jury activity is warranted and has set up a tentative schedule of January as a target date for a Grand Jury inquiry into the real estate activities of [REDACTED] and ANNERINO.

As a sidelight to this investigation, [REDACTED] has indicated the possibility exists that ANNERINO has violated his terms of his probation in the instant case.

LEAD

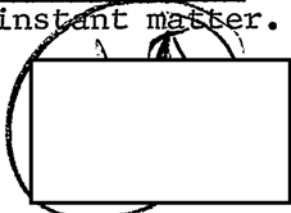
CHICAGO

AT CHICAGO, ILLINOIS. Will follow prosecutive activities in the instant matter.

PJW/dsh
① - Chicago



5010-108-02



179-331-102

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 19 1973	
FBI - CHICAGO	

Savings Plan

Buy U.S. Savings Bonds Regularly on the Payroll

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, Chicago 179-331

DATE: 1-31-74

FROM : Peter J. Wacks, JR

SUBJECT:

[REDACTED]

b6
b7C

ET AL;

[REDACTED]

- Victim

ECT
OO: Chicago

Ausa

[REDACTED]

was contacted on 1-25-74
and advised that the
United States Court of Appeals
has not ruled on the
appeal in this matter.

[REDACTED] advised that he
would immediately notify
the FBI once a decision
has been handed down.

179-331-103

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 31 1974	
FBI - CHICAGO	

VJ



5010-108-02

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE CHICAGO	OFFICE OF ORIGIN CHICAGO	DATE 2/28/74	INVESTIGATIVE PERIOD 9/28/73 - 2/28/74
TITLE OF CASE ET AL; [REDACTED] - VICTIM		REPORT MADE BY SA PETER J. WACKS, JR.	TYPED BY prk
		CHARACTER OF CASE ECT	

b6
b7c

REFERENCE: Chicago report of SA PETER J. WACKS, JR., dated 9/28/73.

- P* -

ADMINISTRATIVE

This matter is being placed in a P* status due to the absence of any outstanding leads of an investigative nature. It should be noted that this matter has been appealed and upon the receipt of pertinent information directly related to the results of the appeal, this information will be appropriately reported.

- A* -
COVER PAGE

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:	
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES				
							PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
							PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
APPROVED RJM					SPECIAL AGENT IN CHARGE			DO NOT WRITE IN SPACES BELOW
COPIES MADE:								
3-Bureau								
1-USA, Chicago								
(ATTN: AUSA [REDACTED])								
1-AIC, Chicago Field Office								
(ATTN: [REDACTED])								
①-Chicago (179-331)								
- prk								
Dissemination Record of Attached Report						Notations		
Agency						179-331-104		
Request Recd.								
Date Fwd.								
How Fwd.								
By								

SEARCHED
SERIALIZED **RA-11**
INDEXED
FILED **RA-11**

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

1-USA, Chicago (ATTN: AUSA [REDACTED])
1-AIC, Chicago Field Office (ATTN: [REDACTED])b6
b7C

Report of:

Date:

SA PETER J. WACKS, JR.
2/28/74

Office:

CHICAGO

Field Office File #:

179-331

Bureau File #:

Title:

[REDACTED]
ET AL:

[REDACTED] - VICTIM

Character:

EXTORTIONATE CREDIT TRANSACTIONS

Synopsis:

Subjects [REDACTED] SAM ANNERINO remain free on \$10,000 appeal bond each pending results of their appeal with the U.S. Court of Appeals following convictions of violation of Title 18, USC, Section 894, in 11/72. AUSA [REDACTED] advised 2/28/74 appeal has not been ruled on by U.S. Court of Appeals.

- p* -

DETAILS:

[REDACTED] Assistant United States Attorney (AUSA) [REDACTED] was periodically contacted regarding the status of the appeal in this matter, the last contact being February 28, 1974. He advised at that time that the U.S. Court of Appeals has not ruled on the instant appeal to date. He further advised he would notify the Federal Bureau of Investigation, Chicago, immediately upon a ruling by the U.S. Court of Appeals.

- 1* -

In the
United States Court of Appeals
For the Seventh Circuit

SEPTEMBER TERM, 1973

JANUARY SESSION, 1974

No. 73-1201, 1202, 1203

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

SAMUEL J. ANNERINO, HAROLD
BEAN, and BRIAN METRICK,
Defendants-Appellants.

Appeal from the
United States Dis-
trict Court for the
Northern District
of Illinois, Eastern
Division.

No. 71 CR 726

FRANK J. MCGARR,
Judge.

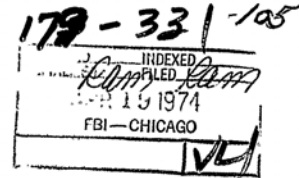
ARGUED FEBRUARY 25, 1974 — DECIDED APRIL 12, 1974

Before KILEY, *Senior Circuit Judge*, SPRECHER, *Circuit Judge*, and JAMESON, *Senior District Judge*.*

JAMESON, *Senior District Judge*. Appellants were convicted in a nonjury trial of conspiracy to use extortionate means, as defined in 18 U.S.C. § 891(7)¹, to collect and attempt to collect an extension of credit from Ernest White and to punish White for nonrepayment, in violation of 18 U.S.C. § 894.

* Senior District Judge William J. Jameson of the District of Montana is sitting by designation.

¹ § 891(7) defines an "extortionate means" as "any means which involves the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person."



Statement of Facts

The evidence, in the light most favorable to the Government, may be summarized as follows:

White had shared an office with appellant Metrick. When White left he owed Metrick approximately \$3,500. Between September, 1970 and June, 1971 White made two payments by check on this debt.

On June 19, 1971 appellant Bean, with Jeff Metrick, who was indicted but acquitted, visited White. Jeff Metrick told White that they had taken over his debt to Jeff's brother Brian and were there to collect \$7,000. When White disputed the amount, Bean said that there "wasn't going to be any further monkeying around on this, that they were going to collect the money"; that if White didn't come up with the money, he could be "severely hurt" and that since they knew where his children lived, he should take that into consideration.

White called Brian Metrick and asked if the visit was a joke. He was told that Metrick had assigned his debt as collateral for a loan and that it "was completely out of his hands", and because he was dealing with "very dangerous people", who "meant what they said", he should do everything possible to pay off the loan. White then contacted the F.B.I. and subsequent conversations were surveilled.

White met with the three appellants at a restaurant on June 25, 1971 when, after some discussion, Annerino said "Let's cut out the bullshit and get down to the business why we are here". Annerino told White to bring the \$2,250, which White admitted owing, the following Monday, when they would determine the exact amount of the balance owing and the manner of payment. Annerino stated that they knew where White's wife lived and where his daughters attended school; that White should forget any ideas about going to the authorities because Annerino would be "out on bond damn quick" and they were backed by a large organization with "five or six guys that could take his place". Bean stated that if White were going into the hospital, "it was going to be because they put him there" and that if he had any

thought of running and hiding he better do it pretty fast. Annerino said it wouldn't do White or his family any good if he did flee.

A few days later White met with Bean and Brian Metrick. Bean arrived first and when he found White did not have the money, stated that Annerino was "uncontrollable and had a very bad temper" and if he were present and found White did not have the money, he would have "pulled a gun and shot [White's] guts out right under the table". After Metrick arrived there was some discussion regarding another meeting and the payment of \$4,000 in addition to the \$2,250, and Bean said if White didn't make the payments they were going to "dig [him] a big hole".

In monitored telephone conversations Metrick told White, *inter alia*, that "Sam [Annerino] and Harold [Bean] are just enforcers. They report to somebody else"; that "these fellas have killed people, to be perfectly honest with you"; that if White did not show up with the money, "they'll kill you". Bean asked White if he wanted to "end up in a coffin".

Contentions on Appeal

All appellants contend that the indictment should have been dismissed because it was based upon the hearsay testimony of one F.B.I. agent. Annerino argues that (1) the district court erred in not dismissing his case for the denial of a speedy trial; (2) a statement made by him was admitted in violation of *Miranda*; (3) the trial erred in admitting hearsay statements of his co-conspirators; and (4) the evidence was insufficient to sustain the conviction. Bean and Metrick contend that the Government failed to present required proof that they were members of organized crime and their activities involved an extortionate extension of credit. All appellants argue that the Government failed to prove that White's debt involved an extension of credit, as defined in 18 U.S.C. § 891(1).

Indictment

The grand jury heard the testimony of one F.B.I. agent who related conversations he had with White and

conversations White had with appellants and related to the agent. In addition the jury heard tapes of conversations between White and appellants, with the F.B.I. agent, who had monitored and recorded the tapes, stating the names of the speakers.

Indictments based upon hearsay of this nature are not improper. As this court said in *United States v. Aloisio*, 440 F.2d 705, 707 (1971), *cert. denied*, 404 U.S. 824, 92 S.Ct. 49, 30 L.Ed.2d 51 (1971):

"In *Costello v. United States*, 350 U.S. 359, 76 S.Ct. 406, 100 L.Ed. 397, the Supreme Court categorically refused to invalidate an indictment based upon hearsay evidence under either the Fifth Amendment or its supervisory powers over federal courts. This Court has repeatedly rejected similar attacks upon the quality of evidence relied upon by grand juries."

It is true, as appellants argue and this court has recognized, that the Second Circuit has criticized the practice of relying on investigative reports and similar hearsay before a grand jury. In *United States v. Estepa*, 471 F.2d 1132 (2 Cir. 1972), upon which appellants heavily rely, judgments of conviction were reversed with instructions to dismiss the indictment, where the jury may have been misled into thinking it was getting eyewitness testimony whereas it was actually being given an account whose hearsay nature was concealed.² There is no evidence here to suggest that the grand jurors may have been misled into thinking the agent was testifying from personal knowledge. Nor is there merit in appellant's argument that if White had testified the jurors could have questioned him and concluded that an indictment should not be returned.

² The court noted that it had in many opinions affirmed convictions "despite the Government's needless reliance on hearsay before the grand jury", in the absence of evidence that the jury had been deceived or misled or that the case involved "a high probability that with eyewitness testimony the grand jury would not have indicted". 471 F.2d at 1137.

There was substantial evidence that White was indebted to Brian Metrick and that there existed an agreement whereby repayment would be deferred. At the restaurant on June 25 Annerino told White to bring \$2,250, which White admitted owing, the following Monday, when they would determine the exact amount of the balance owing and the method of payment. The fact that White's indebtedness arose through his unauthorized use of Metrick's credit cards and misappropriation of partnership funds is irrelevant, since § 891(1) applies to "any debt * * *, valid or invalid, and however arising".

The evidence was sufficient to sustain the conviction of each appellant.

AFFIRMED.

A true Copy:

Teste:

.....
Clerk of the United States Court of
Appeals for the Seventh Circuit.

Speedy Trial

The indictment was returned on July 20, 1971, and the trial commenced on November 3, 1972. Annerino contends that this 15-month delay violated his Sixth Amendment right to a speedy trial.

In *Barker v. Wingo*, 407 U.S. 514, 92 S.Ct. 2182, 33 L.Ed.2d 101 (1972) the Court, recognizing that the right to a speedy trial "is necessarily relative", 407 U.S. at 522, identified four factors to be considered in determining whether a particular defendant has been deprived of his right: "Length of delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant." *Id.* at 530.

The Government concedes that a 15-month delay in this type of case gives rise "to a certain presumed amount of prejudice". The delay in itself, however, does not constitute a denial of the right to a speedy trial. As the court noted in *Barker*, there is "no constitutional basis for holding that the speedy trial right can be quantified into a specified number of days or months", 407 U.S. at 523, and we have previously held that even longer delays in cases of a similar nature are not *per se* deprivations of the right to a speedy trial. See, for example, *United States v. DeTienne*, 468 F.2d 151, 156-157 (7 Cir. 1972), cert. denied, 410 U.S. 911, 93 S.Ct. 974, 35 L.Ed.2d 274 (1973) (19-month delay).

The Government correctly points out that the reason for the 15-month delay is attributable to an "amalgam of factors". On October 8, 1971 counsel for Annerino made his first appearance in connection with a Government request for a protective order with respect to surveillance tapes. The court noted that "we are nowhere near ready for trial" and set a motion schedule pursuant to local court rules.

At a status hearing on November 10, 1971 counsel for Annerino's co-defendants were granted an additional 14 days to file motions. Without objection the case was continued until January 27, 1972. At another status hearing on that date counsel for co-defendant Bean was granted an additional ten days to file a motion to suppress. On

March 28 the trial was set for June 20. On June 20 the court was informed that counsel for Bean was engaged in a trial and that counsel for the Metricks had suffered a heart attack and would "not be available for trial until the fall". Counsel for Annerino was granted ten days to file a memorandum in support of a renewed motion to dismiss for lack of a speedy trial.

At a further hearing on July 21, 1972⁵ the court suggested that "If Mr. Annerino wants a speedy trial, he can go to trial next Monday, separated from the other defendants". The Government indicated that some of its witnesses would not be available, and the court set the trial for September 21. The Government was ready for trial on that date, but the court was informed that counsel for Bean was commencing a trial before another judge and counsel for Metrick would not be recuperated from his heart attack until mid-October. The court continued the case to November 1, noting that he did not think the "circumstances of this delay" sufficiently prejudicial to Annerino to "justify separating him out for a separate trial".

In discussing the reason for the delay the Court stated in *Barker, supra* at 531:

"Here, too, different weights should be assigned to different reasons. A deliberate attempt to delay the trial in order to hamper the defense should be weighted heavily against the government. A more neutral reason such as negligence or overcrowded courts should be weighted less heavily but nevertheless should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with the defendant. Finally, a valid reason, such as a missing witness, should serve to justify appropriate delay."

The delay in this case does not evince a deliberate attempt by the Government to hamper the defense. It

⁵ It appeared at this hearing that counsel for Annerino had failed to file his memorandum in support of the motion to dismiss within the ten day period granted on June 20. The late memorandum was presented at the hearing by Annerino's counsel and the court, noting that it had denied the motion to dismiss by an order entered July 20, accepted the memorandum stating "I will consider your briefs and vacate the order if they convince me that I should."

this particular transaction cannot be directly tied to organized crime, does not affect the validity of the congressional approach employed here. So long as the goal is within the power of Congress, we will not substitute our judgment for the judgment of Congress as to the wisdom of this particular statutory scheme." 465 F.2d at 42-43.

Bean and Metrick next contend that a § 894 violation requires proof that the underlying debt was a "juice loan", that is, an extortionate extension of credit.⁷ As noted *supra*, § 892 proscribes the making of extortionate extensions of credit while, on the other hand, § 894 forbids extortionate collection of "any extension of credit". It is thus clear that § 894 "is directed to the use of extortionate means in order to collect monies which the creditors maintain are owing to them, regardless of whether the loan arose from a traditional type of loan or resulted from the assumption of responsibility as a result of force or threats", *United States v. Briola*, 465 F.2d 1018, 1021 (10 Cir. 1972), *cert. denied*, 409 U.S. 1108, 93 S.Ct. 908, 34 L.Ed.2d 688 (1973).⁸

Finally, all appellants contend that the Government failed to establish an extension of credit. The term "to extend credit", as broadly defined in 18 U.S.C. § 891(1), "means to make or renew any loan, or to enter into any agreement, tacit or express, whereby the repayment or satisfaction of any debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or will be deferred".

⁷ As defined in 18 U.S.C. § 891(6) an extortionate extension of credit is "any extension of credit with respect to which it is the understanding of the creditor and the debtor at the time it is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person."

⁸ The Congressional intent with respect to § 894(a) is stated as follows:

"Not everyone who falls into the clutches of a loan shark is necessarily aware at the outset of the nature of the transaction into which he has entered. Moreover, cases will arise where the use of extortionate means of collection can be demonstrated even though it cannot be shown that a bilateral understanding that such would be the case existed at the outset. Section 894(a) covers these situations by making it a criminal offense to collect an indebtedness by extortionate means, regardless of how the indebtedness arose." Conference Report No. 1397, 90th Cong., 2d Sess. (1968).

sary that the participants in the transaction be members of organized crime or that the particular activity has affected interstate commerce.

The Supreme Court affirmed the validity of the approach employed in Title II with respect to an intrastate extortionate credit transaction in *Perez v. United States*, 402 U.S. 146, 91 S.Ct. 1357, 28 L.Ed.2d 686 (1971). While *Perez* was concerned with "loan sharking" activities, the Court held that "Extortionate credit transactions, though purely intrastate, may in the judgment of Congress affect interstate commerce", and that the prohibition of extortionate credit transactions was within the realm of Congressional power under the Commerce Clause. 402 U.S. at 154.

In *United States v. Keresky*, 465 F.2d 36 (3 Cir. 1972), cert. denied, 409 U.S. 991, 93 S.Ct. 340, 34 L.Ed.2d 258 (1972); it was held that Title II could validly be applied to a local gambling debt which could not be tied directly to organized crime. The court concluded, as we do, that the holding in *Perez* was not limited to loan shark transactions and that Congress had a rational basis in attacking the economic base of organized crime through the proscription of extortionate credit transactions. The court concluded:

"It is sufficient that Congress has defined a limited class of credit transactions, i.e., those involving extortionate means of extension and collection, as having a substantial effect on interstate commerce. That

(Continued)

which have rendered past efforts at prosecution almost wholly ineffective has been the existence of exclusionary rules of evidence stricter than necessary for the protection of constitutional rights.

"(3) Extortionate credit transactions are carried on to a substantial extent in interstate and foreign commerce and through the means and instrumentalities of such commerce. Even where extortionate credit transactions are purely intrastate in character, they nevertheless directly affect interstate and foreign commerce.

"(4) Extortionate credit transactions directly impair the effectiveness and frustrate the purpose of the laws enacted by the Congress on the subject of bankruptcies."

The Court said further:

"Where the class of activities is regulated and that class is within the reach of federal power, the courts have no power to excise, as trivial, individual instances of the class." *Id.*

resulted from a variety of circumstances, including the Government's desire for a single trial. Although this desire "hardly warrants unquestioning acceptance when pitted against a single defendant's right to a speedy trial, on the scale of possible justifications for the delay this reason deserves some deference" where, as here, the charge is conspiracy. *DeTienne, supra* at 157.

The third factor to be considered in assessing a speedy trial issue is the defendant's assertion of his right. Although Annerino first raised this issue in a motion to dismiss on April 17, 1972, the Court in *Barker, supra* at 525, rejected the notion that "a defendant waives any consideration of his right to speedy trial for any period prior to which he has not demanded a trial". Annerino reviewed his motion to dismiss on June 20. Although dilatory in filing a brief in support of the renewed motion, see Note 3, *supra*, the district court accepted the brief. Thereafter Annerino protested the continuances granted on July 21 and September 21, and demanded an immediate trial. At the September 21 hearing the district court stated that "the case can't be postponed forever * * * because we have one defendant in the case who on every occasion has been insisting on an immediate trial." It is clear from the record that Annerino appropriately asserted his right to a speedy trial.

The fourth factor to be considered is prejudice to the defendant, with respect to which the Court has indicated that the right to a speedy trial was intended: "(i) to prevent oppressive pretrial incarceration; (ii) to minimize anxiety and concern of the accused; and (iii) to limit the possibility that the defense will be impaired." *Barker, supra* at 532.

Annerino contends that during the trial there were several memory lapses crucial to the defense. We have examined the trial transcript and conclude that the memory lapses to which Annerino refers were of a minor nature and were in no way significant to the outcome. See *Barker, supra* at 534. The conclusory allegations of general anxiety and depression, travel restrictions and an inability to secure employment constitute a showing of only minimal prejudice of a kind normally attending

criminal indictment. This prejudice, "unenhanced by tangible impairment of the defense function and unsupported by a better showing on the other factors than was made here, does not alone make out a deprivation of the right to speedy trial". *DeTienne, supra* at 158.

Although Annerino appropriately asserted his speedy trial right, the length of the delay was not extraordinary, he was free on bond before trial, prejudice was minimal, and the delay was not a deliberate attempt by the Government to gain a tactical advantage over Annerino or to harass him. We conclude that under these circumstances Annerino's right to a speedy trial was not violated.

Admission of Evidence

Annerino claims error in the admission of testimony by an F.B.I. agent with respect to statements made by Annerino following his arrest, arguing that the Government failed to show that he had been advised of his rights and waived them, as required by *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966). The F.B.I. agent testified, however, without contradiction, that immediately upon his arrest Annerino was fully advised of his *Miranda* rights and thereafter freely answered the agent's questions.

Annerino also challenges the admission of surveillance tapes containing hearsay statements by his co-conspirators. However, "extra-judicial statements * * * of co-conspirators occurring during a conspiracy in furtherance of it have long been held to be competent evidence against their partners in crime under the ancient co-conspirators exception to the hearsay rule." *United States v. Cerone*, 452 F.2d 274, 282 (7 Cir. 1971), *cert. denied*, 405 U.S. 964, 92 S.Ct. 1168, 31 L.Ed.2d 240 (1972); see also *Dutton v. Evans*, 400 U.S. 74, 81, 91 S.Ct. 210, 27 L.Ed.2d 213 (1970).

Sufficiency of Evidence

We find no merit in Annerino's contention that there was no proof of his involvement in a conspiracy or that he threatened White. The evidence set forth *supra* established Annerino's participation in the conspiracy as well as actual threats against White and his family.

Bean and Metrick argue that the Government failed to offer required proof that they were members of organized crime and that the debt owed by White involved an extortionate extension of credit.

Appellants were convicted of violating a provision of Title II of the Consumer Credit Protection Act of 1968 (Pub.L. 90-321), 82 Stat. 159, 18 U.S.C. § 894(a):

"Whoever knowingly participates in any way, or conspires to do so, in the use of any extortionate means

"(1) to collect or attempt to collect any extension of credit, or

"(2) to punish any person for the nonrepayment thereof, shall be fined not more than \$10,000 or imprisoned not more than 20 years, or both."

It is true, as Bean and Metrick contend, that Title II was primarily intended to attack the economic basis of organized crime.⁴ They argue that a conviction under Title II may not be sustained absent proof that the defendants are members of organized crime.

Section 894(a) is not limited, however, to members of organized crime, but broadly applies to "whoever" uses extortionate means to collect an extension of credit. Likewise, its companion provision, 18 U.S.C. § 892(a), applies to "[w]hoever makes any extortionate extension of credit". Although Congress was primarily concerned with organized crime, it is clear that a means chosen to attack it was the proscription of a class of activities, that is, extortionate credit transactions.⁵ It is not neces-

⁴ See Conference Report No. 1397, 90th Cong., 2d Sess. (1968).

⁵ See Note under 18 U.S.C. § 891. Section 201 of Pub.L. 90-321 provided that:

"(a) The Congress makes the following findings:

"(1) Organized crime is interstate and international in character. Its activities involve many billions of dollars each year. It is directly responsible for murders, willful injuries to person and property, corruption of officials, and terrorization of countless citizens. A substantial part of the income of organized crime is generated by extortionate credit transactions.

"(2) Extortionate credit transactions are characterized by the use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means of enforcing repayment. Among the factors

Loan shark's probation voided

The probation of a convicted loan shark was revoked in U.S. District Court Monday and he was sentenced to two years in prison.

Samuel J. Annerino Jr., 30, was sentenced by Judge Frank J. McGarr, who had given Annerino three years probation in December, 1972.

Annerino had been convicted of conspiring to use extortion to collect a business debt after a businessman complained he had been forced to pay \$6,000 on a \$2,000 debt.

At the time of Annerino's arrest, federal investigators said he and another man posed as loan sharks employed by the late Felix Alderisio, a crime syndicate chieftain.

The U.S. Justice Department's strike force on organized crime moved for a revocation of Annerino's probation because of his recent arrest on a similar extortion charge still unresolved. Annerino is charged with punching a trucking company executive and threatening to break his kneecaps with a baseball bat in connection with another loan and an attempt to take over the executive's cartage company.

The Sun-Times disclosed last summer that Annerino had become a manager of Loop and suburban property valued at \$10 million and was a key figure in the negotiations for the purchase of two Chicago hotels.

(Indicate page, name of newspaper, city and state.)

32 CHICAGO SUN TIMES
CHICAGO, ILLINOIS

c-1
Date: 4/30/74
Edition: 4* FINAL
Author:
Editor: JAMES HOGUE
Title:

ECT

Character: 179-331 b6
or b7C

Classification:

Submitting Office: CHICAGO

COPY SENT TO BUREAU

179-331-100

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 1 1974	
FBI - CHICAGO	

144

F B I

Date: 4/30/74

PLAINTEXT

Transmit the following in _____
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

TO : DIRECTOR, FBI

FROM: SAC, CHICAGO (179-331)✓(179-501) (P)

[REDACTED] - VICTIM, ECT.

OO: CHICAGO.

[REDACTED] - VICTIM; [REDACTED] -

VICTIM, RICO, ECT. OO: CHICAGO.

AS BUREAU AWARE, SAMUEL ANNERINO IS SUBJECT IN BOTH CAPTIONED
CASES AND CURRENTLY FREE ON \$10,000 APPEAL BOND FOLLOWING ECT
CONVICTION IN NOVEMBER, 1972, IN CHICAGO CASE ENTITLED [REDACTED]

e-1
AND SENTENCED TO FIVE YEARS PROBATION. ANNERINO
APPEARED BEFORE U.S. DISTRICT COURT JUDGE FRANK MC GARR APRIL 29,
1974, ON A GOVERNMENT MOTION TO REVOKE ANNERINO'S APPEAL BOND. JUDGE
MC GARR GRANTED GOVERNMENT'S MOTION TO REVOKE ANNERINO'S BOND BASED
UPON HIS INVOLVEMENT IN CHICAGO CASE ENTITLED [REDACTED] ETAL."
ANNERINO'S FIVE YEAR PROBATIONARY SENTENCE REVOKED AND HE WAS
SENTENCED TO TWO YEARS IN CUSTODY OF AG AND ALLOWED 10 DAYS BY JUDGE
MC GARR TO FINALIZE HIS AFFAIRS.

BUREAU WILL BE KEPT ADVISED OF DEVELOPMENTS. 179-331-107

1 - C#1 TICKLER
1 - 92-1839

PJW/vcl
(4)

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INDEXED
FILED

Approved: *R. D. H. / H. E. D.*

Special Agent in Charge

Sent *730P*

M

Per *B*

U.S. Government Printing Office: 1972 - 455-574

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, [REDACTED]

DATE: 5/16/74

FROM : SA [REDACTED]

SUBJECT: [REDACTED]

Dates of Contact 5/16/74

File #s on which contacted (Use Titles if File #s not available or when CI provides positive information)

15-33541*

179-331*

(SA Pat Wack) ✓

Purpose and results of contact

☐ NEGATIVE Source furnished the following to writer on 5/16/74:☒ POSITIVE☐ STATISTIC Cn 2/15/74 at approximately 7:15PM SAM ANNERINO, JR [REDACTED]

[REDACTED] flew from Midway airport, Chicago direct to Lake Front Airport, Cleveland, Ohio. The flight was made in a Cessna 177, number N 30762. [REDACTED]

[REDACTED] ANNERINO [REDACTED]

Time of arrival was 9:00PM.

Upon their arrival [REDACTED] ANNERINO [REDACTED] went by taxi

☐ POSITIVE ASSIGNMENT GIVEN (Ghetto only)

Has informant shown any indication of emotional instability, unreliability or furnishing false information? No

☒ Informant certified that he has furnished all information obtained by him since last contact, including information concerning narcotics.

Coverage same

PERSONAL DATA

0-1 rec'd
Rpt due 10/18/74
RFM

179-331-110

SEARCHED	INDEXED
SERIALIZED	FILED
JUN 25 1974	
FBI - CHICAGO	
WACK J PM	

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b7C
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[REDACTED]

b6
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b7D

At approximately 11PM (2/15/74) ANNERINO returned to the plane and was carrying a small canvas bag and a brown shopping bag with two handles. The plane took off immediately. ANNERINO [REDACTED]

[REDACTED]

Source stated that ANNERINO was arrested a few weeks by Federal Authorities [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE CHICAGO	OFFICE OF ORIGIN CHICAGO	DATE 11/17/77	INVESTIGATIVE PERIOD 2/28/74 - 11/7/74
TITLE OF CASE [REDACTED] ET AL; [REDACTED] VICTIM		REPORT MADE BY SA PETER J. WACKS, JR.	TYPED BY lap b6 b7C
		CHARACTER OF CASE ECT	

REFERENCES: Chicago report of PETER J. WACKS, JR., dated, 2/28/74.

- c -

ACCOMPLISHMENTS CLAIMED					<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES					
APPROVED <i>RSM</i>					SPECIAL AGENT IN CHARGE			DO NOT WRITE IN SPACES BELOW	
COPIES MADE:								179-331-111	
3 - Bureau								SEARCHED	
1 - USA, Chicago								SERIALIZED	
(ATTN: AUSA [REDACTED])								INDEXED	
1 - AIC, Chicago Field Office								FILED	
(ATTN: [REDACTED])								<i>Wacks PW</i>	
(1) Chicago (179-331)									
Dissemination Record of Attached Report					Notations				
Agency									
Request Recd.									
Date Fwd.									
How Fwd.									
By									

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, CHICAGO (ATTN: AUSA [REDACTED])
1 - AIC, CHICAGO FIELD OFFICE (ATTN: [REDACTED])

b6
b7C

Report of: SA PETER J. WACKS, JR.
Date: 11/7/74

Office: CHICAGO

Field Office File #: 179-331

Bureau File #:

Title: [REDACTED] - VICTIM

Character: EXTORTIONATE CREDIT TRANSACTIONS

Synopsis: AUSA [REDACTED] advised U.S. Court of Appeals affirmed convictions in instant case on April 12, 1974. AUSA [REDACTED] advised on 11/7/74, that this matter has not been appealed to USSC.

- C -

DETAILS:

Assistant United States Attorney [REDACTED]
[REDACTED] advised on April 19, 1974, that the United States Court of Appeals for the Seventh Circuit affirmed the convictions in the instant matter on April 12, 1974.

Assistant United States Attorney [REDACTED]
Chief Appellate Division, United States Attorney's Office, Chicago, Illinois, advised on 11/7/74, that no appeal to the United States Supreme Court has been made in the instant matter.

- 1* -

SAC, CHICAGO (179-501)

11/15/76

SA [REDACTED]

b6
b7C

SAMUEL ANNERINO
ECT

On 11/4/76, [REDACTED] Investigator, Flossmoor, Illinois Police Department, furnished reports relating to the attempted murder of captioned subject in the Flossmoor, Illinois area. These reports are attached to this memo.

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b7C

It is noted that the subject has been the subject of several cases and would appear deeply involved in organized criminal activities. The circumstances of his attempted murder indicated that his account of the incident might well have been fabricated.

For information purposes.

① - 179-331
1 - 15-33541
1 - 9-6421

ROM/njs
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njs

179-331-112

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SERIALIZED	FILED
NOV 17 1976	
FBI—CHICAGO	

[Signature]

FLOSSMOOR POLICE

CASE REPORT

1. DATE 10-27-76		2. DATE - TIME OCCURRED 10-27-76 2110 hrs		3. OFFENSE OR COMPLAINT Attempted Murder		CLASSIFICATION		COMPLAINT NO. 43032		CASE NO. CR 7094			
4. LOCATION North side of Vollmer Road approximately 400 feet west of Reservoir Access Road										5. TIME ARR'D. 2151 hours		6. TIME COMPL. 0300 hours	
7. NAME OF VICTIM OR COMPLAINANT SAMUEL ANNERINO				SEX M	RACE W	AGE 33	ADDRESS 9520 S. Mayfield, Oak Lawn, IL			RESIDENCE PHONE		BUSINESS PHONE	
8. PERSON REPORTING OFFENSE OR ACCIDENT Chicago Heights Police Dept.													
9. PERSON DISCOVERING OFFENSE OR ACCIDENT													
10. PARENT OR GUARDIAN IF JUVENILE VICTIM													
11. WITNESS													
12. WITNESS													
13. WAS VICTIM INJURED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		14. HOSPITAL TAKEN St. James		15. NAME OF DOCTOR OR CORONER Staff Physician		16. NATURE OF INJURIES Gunshot wounds to head and right arm							
17. CAUSE OF INJURY Shot with handgun				18. REASON (ACCIDENT, ILLNESS, ICE, ETC.)				19. PERSON AUTHORIZING REMOVAL Same as #7.					
20. SOCIETY OF VICTIM (CHECK ONE) SOBER <input checked="" type="checkbox"/> H.B.D. <input type="checkbox"/> INTOX. <input type="checkbox"/>				21. EXTENT OF INJURIES (CHECK ONE) MINOR <input type="checkbox"/> SERIOUS <input checked="" type="checkbox"/> FATAL <input type="checkbox"/>				22. FIRST AID GIVEN BY POLICE <input type="checkbox"/> FIREMAN <input type="checkbox"/> NONE <input type="checkbox"/>		23. PHOTOS TAKEN YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
24. MEANS OF ATTACK OR WHERE ENTRY WAS GAINED				25. TOOL, WEAPON OR MEANS USED Caliber .38 S&W revolver				26. WEAPON OR TOOL RECOVERED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>					
27. VICTIM'S OCCUPATION		28. TYPE OF PREMISES WHERE OFFENSE OR ACCIDENT OCCURRED Vehicle on public roadway						29. LOCATION Same as #4.					
30. HOW OFFENDERS APPROACHED - ENTERED - DIRECTION LEFT See narrative													
31. EXACTLY WHAT DID OFFENDERS SAY													
32. VEHICLE USED BY OFFENDERS YES <input type="checkbox"/> NO <input type="checkbox"/> UNK. <input type="checkbox"/>		MAKE		MODEL		YEAR		COLOR		LICENSE NO.		OTHER MARKS	
33. NUMBER OF OFFENDERS NO. SEX RACE AGE				34. NO. OF PERSONS ARRESTED		ARREST NO.		35. COMPLAINANT WILL SIGN EITHER COMPLAINT <input type="checkbox"/> WARRANT <input type="checkbox"/> NO <input type="checkbox"/>			36. CAN IDENTIFY YES <input type="checkbox"/> NO <input type="checkbox"/>		
37. DESCRIPTION OR NAME - ADDRESS OF OFFENDER NO. 1													
38. DESCRIPTION OR NAME - ADDRESS OF OFFENDER NO. 2													
39. DESCRIPTION OR NAME - ADDRESS OF OFFENDER NO. 3													
40. DESCRIPTION OF PROPERTY TAKEN OR DAMAGED												41. VALUE \$	
42. TYPE OR BREED OF ANIMAL		COLOR		SEX		WAS ANIMAL NOT FOUND <input type="checkbox"/> DESTROYED <input type="checkbox"/> CAPTURED <input type="checkbox"/>		OWNER'S NAME AND ADDRESS					
43. IMPOUNDED AT				DATE		44. OTHER ACTIONS, MARKS, UNUSUAL WORDS, ETC.							
REPORTING OFFICER Sgt. [redacted]				STAR NO. 8		APPROVING OFFICER [signature]				RANK		45. DISPOSITION	

At 2151 hours I was advised by the clerk that a man who had been shot on Vollmer Road near Kedzie Avenue was being treated for wounds at St. James Hospital, and that I was being asked by Chicago Heights Police to check for a [redacted] that the victim had been driving. It was further related that the vehicle might be parked in the vicinity of Flossmoor Commons. While enroute to Flossmoor Commons, I observed a [redacted] parked facing eastbound on Flossmoor Road on the south side of the street approximately forty feet east of Berry Lane. A license registration check on the license plate, [redacted] revealed that the plate was registered to [redacted] Illinois, on a [redacted] Registration information on V.I.N. matched that of the license plate. I was then advised that the last name of the man who had been driving the car was Annerino, and that the shooting had occurred where the car was now parked. I looked inside the passenger compartment of the vehicle and observed a large orange cloth on the rear seat and floor. I checked to see that there was no one under it and left the interior of the car alone except to turn the car around facing west on the north side of the street, as its original position on the roadway made it susceptible to being struck by passing traffic. I touched nothing in the vehicle except the ignition switch handle to turn the car on and off, and then locked the vehicle and removed the keys. Both doors were unlocked when I found the car. I then went to Saint James Hospital in Chicago Heights, and on the way, advised the clerk to have Ofc. [redacted] who was bonding out a prisoner at the time to go to the car when he was through and see that it was not disturbed. At the hospital, I met Sgt. [redacted] of the Chicago Heights Police Department and Sgt. [redacted] of the Olympia Fields Police Department. Sgt. [redacted] had been called to the hospital by Sgt. [redacted] prior to my being notified because they thought at that time that the incident occurred in Olympia Fields. I also spoke with [redacted] Illinois. [redacted] said that he had come upon the victim on Vollmer Road between Kedzie Avenue and the Illinois Central Railroad tracks. The victim was running down the middle of the road calling for help and bleeding. No car was seen by

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DATE 10-27-76	OFFENSE Attempt Murder	REPORTING OFFICER Sgt. [redacted] <i>Sgt.</i>	COMPLAINT NO. 43032	CASE NO. CR7094	b6 b7c
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[redacted] said that Annerino told him that he, Annerino, had picked up two hitch hikers, one male and one female, and that the hitch hikers had shot him. Sgt. [redacted] told me that Annerino had told him that he remembered seeing the Alcazar Restaurant and that at a point shortly after the stoplight near the Alcazar he picked up one hitch hiker, a male white approximately thirty years of age, with dark hair and a flat cap. Annerino heard a "bang" and grabbed the gun that the hitch hiker had and jumped immediately from the vehicle. Annerino said he was heading toward Oak Lawn at the time of the shooting, according to Sgt. [redacted] When I reached Samuel Annerino, who was being prepared for surgery to his right hand and arm, he told me that there was a large sum of money - one thousand dollars - in a briefcase in the car he had been driving, and that the briefcase was in the trunk. [redacted] [redacted] was standing next to him at this time. Samuel Annerino told [redacted] to contact a lawyer, and [redacted] asked repeatedly that I allow him to accompany me back to where the car was parked and allow him to go into the trunk and remove the briefcase. [redacted] also said that a checkbook for the business known as [redacted] was also in the briefcase, and that he needed this check book to conduct the affairs of the business. He also told me that the three partners in this business are Samuel Annerino, [redacted] [redacted] When I attempted to question Samuel Annerino again about the shooting, he told me that he would not discuss it at that time as he had a headache, and told [redacted] who had walked into the treatment room, to call a lawyer.

At this time, I returned to the scene where the car was parked to check the trunk and it was at this time that I discovered a caliber .22 magnum pistol. (See case report CR7093, complaint #43028, Unlawful Possession of Firearm.) At this time I returned to the hospital via Vollmer Road eastbound from Kedzie, where I observed no signs of evidence such as mud on the road or vehicles in the area.

DATE 10-27-76	OFFENSE Attempted Murder	REPORTING OFFICER Sgt. [redacted] <i>Sgt.</i>	COMPLAINT NO. 43032	CASE NO. CR7094	b6 b7c
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Upon returning to the hospital, which was at approximately 2300 hours, Investigator [redacted] was there.

I had previously instructed the clerk to call him and advise him of the situation. We spoke with [redacted]

[redacted] It was learned that Samuel Annerino was released from the Terre Haute, Indiana, Federal Prison approximately 18 months ago, having served a sentence on a conviction for extortion. [redacted] also said that Samuel is a one-third operating partner of Pa's Italian Sandwich Shop, 4724 West 95th Street, Oak Lawn, Illinois (corner of 95th St. and Kenton St.) He also said that [redacted]

The vehicle in which Mr. Annerino was shot was towed by Suburban Towing Company from its location at Flossmoor Road and Berry Lane to the Flossmoor Department of Public Works Garage, where it was stored for safekeeping, pending arrival of Cook County Sheriff's Police Evidence Technicians. The vehicle was processed by Sheriff's Police Investigator [redacted] to whom the recovered .22 magnum derringer pistol recovered in the trunk earlier was given for ballistics comparison.

The interior of the vehicle in which Annerino was shot showed signs of a struggle of some duration; the rear view mirror was torn from the windshield; the transmission lever knob was torn loose, the hazard flasher knob was torn off the steering column and came to rest in the driver's side defroster vent, and two bullet holes were in the headliner of the roof of the car, in the area of the driver's head. The vinyl roof of the car was raised in two places on the exterior but not torn. A search of the roof from the interior by removing the headliner and cutting away a portion of the steel roof shell yielded bullet fragments which were recovered by Inv. [redacted] A bloodstain on the right door window, at the top, yielded a fingerprint which Inv. [redacted] recovered. A complete evidence search and recovery report will be submitted by Inv. [redacted] upon completion of processing of the recovered evidence.

DATE. 10-28-76	OFFENSE Attempted Murder	REPORTING OFFICER Sgt. [REDACTED] <i>[Signature]</i>	COMPLAINT NO. 43032	CASE NO. CR7094	b6 b7c
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This morning, Samuel Annerino was transferred from Saint James Hospital, Chicago Heights, Illinois to the Palos Community Hospital, Palos Heights, Illinois, where he is now an inpatient being treated for the wounds received in the incident described on the original case report. These wounds consist of a grazing wound to the back of the head and a wound in his right hand and forearm, both caused by being shot with a firearm. No bullets were recovered at Saint James Hospital when Annerino was initially examined and treated, including the surgery to repair damage to his right hand and arm.

A complete inventory of the contents of the briefcase was made on this date, the breifcase having been secured by Inv. [REDACTED] in the Evidence Room upon completion of the processing of the car itself by Sheriff's Inv. [REDACTED]. An itemized list of the inventoried items is attached.

DATE 10-27-76	OFFENSE Attempted Murder	REPORTING OFFICER Sgt. [redacted] <i>[Signature]</i>	COMPLAINT NO. 3032	CASE NO. CR7094	b6 b7c
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The Federal Bureau of Investigation was notified of the identity of the victim and nature of the incident.

Investigators of the National Automobile Theft Bureau (NATB) were notified, and the night duty agent said that the vehicle would be examined by agents on the following day. This notification was made pursuant to my noting that the entire engine compartment looks brand new, including the engine, although the vehicle has over 16,000 miles registered on the odometer, and the ignition switch appears to be well-worn.

In attempting to establish the exact time that the shooting occurred, I asked Sgt. [redacted] of the Chicago Heights Police Department what time he had received the call. Sgt. [redacted] said that [redacted] had driven to a Standard Oil service station at the intersection of Route 30 and Western Avenue and phoned the Chicago Heights Police from there at 2121 hours.

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DATE 10-28-76	OFFENSE Attempted Murder	REPORTING OFFICER Lt. [REDACTED]	COMPLAINT NO. 43032	CASE NO. CR7094
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At about 1400 hours this date, reporting officer found a large frame blue steel revolver which appeared to be 38 caliber in size. The weapon had wooden stocks. The weapon was laying in the ditch on the North side of Vollmer Road about 15 feet from the pavement edge and approximately 400 feet west of the center line of the access roadway, leading to the Village of Flossmoor Water Reservoir, located at Vollmer Road and the Illinois Central Gulf Railroad.

Reporting Officer did not touch the weapon, but advised Sgt. [REDACTED] to advise the Flossmoor Radio Dispatcher to have Cook County Evidence Technicians dispatched to the scene.

DATE 27 Oct 76	OFFENSE Attempt Murder	REPORTING OFFICER [REDACTED]	COMPLAINT NO. 43032	CASE NO. CR 7094	b6 b7c
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This date R/I received a TX at my home from the radio clerk that there had been a shooting and to go to the emergency room at St. James Hospital immediately. Upon arrival at St. James, R/I was advised by Hospital Security Ofc. [REDACTED] that the victim, Sam Annerino, M/W/33, was in emergency being treated for gunshot wounds to the rear of his head and his right hand and arm. R/I spoke with [REDACTED] who was treating Annerino at the time and was advised he was in satisfactory condition. It appeared that a bullet wound to the head entered approximately 3" to the left of the right ear and appears to have exited approximately 3" to the right of the left ear. [REDACTED] did not see any powder burns of this wound. The other wound, to the right hand, appears to have entered the center palm area of the hand approximately 2½" to the left of the thumb and appears to have exited on the top center area of the right forearm approximately 3" above the wrist. Powder burns were observed By [REDACTED] on the palm wound. [REDACTED] xrayed Annerino and there appears to be no bullet fragments in either wound. [REDACTED] said that R/I could interview victim. R/I identified self to Annerino who related the following in essence but not verbatim; he was driving his car w/b on Joe Orr Rd. in the area of the Alkazar Restaurant after [REDACTED] that he was unable to find when he picked up two hitchhikers a M/W and a F/W, all three subjects in the front seat of the vehicle proceeded w/b on Joe Orr Rd. to Western n/b to Vollmer and then w/b on Vollmer. When the male offender told Annerino to slow down, seconds later Annerino heard a gunshot, felt the impact at the back of the head, began struggling with the male offender for the gun, grabbed the gun in his right hand, received another gunshot wound in his right hand, and by this time the vehicle Annerino was driving went off the roadway west of the ICGRR viaduct the scuffle continued, Annerino trying to reach across the vehicle to open the door and push the male offender out, in doing this he himself went out the passenger door, never looked back and began running e/b on Vollmer. Numerous cars passed by Annerino not paying any attention to his pleas for assistance, when finally [REDACTED] stopped.

DATE	OFFENSE	REPORTING OFFICER	COMPLAINT NO. 43032	CASE NO. CP 7094	b6 b7c
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and transported him to Chester's Standard Station at 14th & Western Chicago Heights. Additional interviewing of Annerino [] revealed that he did not wish to divulge that information or cooperate with R/I or anyone else. R/I then met with Sgt. [] of Chicago Heights P.D. who responded to the call of a "man shot" at the service station. See attached case report for Sgt. [] confrontation with victim. Det. [] also of Chicago Heights P.D. interviewed [] who related to him the following, as reported to R/I, [] observed victim standing on the south shoulder of Vollmer near the ICGRR viaduct waving frantically for help, [] stopped his vehicle, Annerino jumped into the car and said something to the effect: get out of here, they're still in the car, they are going to kill me. [] then observed the wounds and transported Annerino to 14th & Western, where he, [] called for the police. R/I then interviewed [] in the police office at St. James. [] related that all he knew is that Sam has some sort of business to tend to out in the area of Chicago Heights. As to any information [] he said he had no idea of anyone. R/I then interviewed [] in the same police office. [] related the same story as [] A subsequent interview with [] revealed that he knew Sam was coming out to this area quite regularly []

[] At this time Sgt. [] met with R/I and advised that he had procured from Annerino's vehicle's trunk, a briefcase, containing a large amount of U.S.C., a derringer, an ice pick and a 12" sap. [] apparently overheard [] Sam discussing the incident in the emergency room when Sam told [] "It's still in the trunk". [] R/I procured Annerino's clothing (see previous inventory supplement) from [] and secured from the hospital. Enroute

[illegible]

DATE 28 Oct 76	OFFENSE Attempt Murder	REPORTING OFFICER [REDACTED]	COMPLAINT NO. 43032	CASE NO. CR 7094	b6 b7C
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This date, Chief Barton, Lt. [REDACTED] Sgt. [REDACTED] and R/I conducted another search of the subject vehicle driven by Annerino, the search revealed no further information. The above four subjects proceeded to the area of Vollmer Rd. approximately 2 blocks east of Kedzie. There (see previous supplement report by Lt. [REDACTED] a weapon, S&W 2" .38 caliber revolver serial # [REDACTED] was found. At this time, approximately 1330hrs., the entire area adjacent to the weapon was secured. Sgt. [REDACTED] summoned Cook County E.T. [REDACTED] who arrived processed scene and secured subject weapon. (See [REDACTED] E.T. Report for further information)

Also this date R/I met with Cook County Inv. [REDACTED] at the Flossmoor P.D. [REDACTED] also searched subject vehicle with negative results. He further advised that it appears as though there are some sort of syndicate ties with Sam Annerino and the possibility that someone may have planned this offense.

This date R/I met with [REDACTED] adjacent to the area where Arrenino's vehicle was found at Flossmoor Rd. and [REDACTED] almost immediately after the shooting, by Sgt. [REDACTED]. [REDACTED] was working that evening, the night of the shooting, and could not recall anyone suspicious or out of the ordinary that came in to the store. [REDACTED] Station stated that he was in his station at approximately 9:20 to approximately 9:45pm, and during that time a couple, very sloppily dressed, in their early twenties, came into to the station and asked for 2 nickels for a dime and then seemed to vanish as fast as they seemed to appear. They both kept their heads down and [REDACTED] nor any of the other [REDACTED] could give any further description.

DATE 29 Oct 76	OFFENSE Attempt Murder	REPORTING OFFICER [REDACTED]	COMPLAINT NO. 43032	CASE NO. CR 7004
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This date R/I met with Inv. [REDACTED] Area 1 Homicide/Sex, Chicago P.D. [REDACTED] at Palos Community Hospital. (Annerino requested to be transferred there on 28 Oct 76 and [REDACTED] consented) R/I also advised nurses station for Annerino, Bed 413-2, of the police hold. Inv. [REDACTED] advised R/I that he was very interested in interviewing Sam due to information that he might be involved in the 6 Oct 76 murder of Steve Ostrowski. [REDACTED] and R/I interviewed Annerino after identifying selves. In essence but not verbatim, Annerino related the following; At approximately 9:30pm he was driving in the area of the Alcazar Restaurant on Joe Orr Rd. in Chicago Heights, where he picked up a M/W approximately 30 YOA hitchhiker. Both went w/b to Western n/b to Vollmer and w/b on Vollmer when the hitchhiker said to slow down, Sam felt the gun shot blast on the rear of his head, struggled to push the hitchhiker out of the car, grabbed for the gun, got shot again in the hand this time, and baled out of the car on the passenger's side over the hitchhiker, ran through a cornfield, doubled back to Vollmer Rd. where some guy who was a little drunk picked him up and took him to the service station. When asked about the other hitchhiker, a girl, Sam said that there was no girl or anyone else, just one guy. When asked again about who he was going to see he said he did not and would not tell [REDACTED] [REDACTED] if he told who it was everything would get blown out of proportion. Sam said he just wanted to forget the whole thing. When asked if he was actually going to see [REDACTED] [REDACTED] he would not say yes or no to anything, nor comment on anything else. When asked why he did not wish to cooperate with the police, he said he just wanted the whole damn thing dropped, and would say no more.

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Mobster Annerino survives attempted hit

Sam Annerino, the crime syndicate muscle man-terrorist, has gone into seclusion—and with good reason. Annerino was on the receiving end of an assassination attempt that narrowly failed.

OutFront has learned that the previously undisclosed try on Annerino's life occurred the night of Oct. 27. A motorist found a dazed and bleeding Annerino walking along Vollmer Rd., near Kedzie, at the southern limits of suburban Flossmoor. The motorist drove Annerino to a hospital in Chicago Heights for treatment.

Annerino had been shot in the right hand by a bullet that coursed upward and broke a bone in his arm. A second shot, a near-fatal one, left a crease on the back of the hoodlum's head. But Annerino, while upset about his wounds, displayed almost as much concern about an attache case he'd left in the trunk of his borrowed auto. That auto was found parked along Flossmoor Rd., near Berry Ln., in Flossmoor.

In the auto, investigators found Annerino's attache case, or "hit kit," as they termed it. It yielded these items: a .22-caliber Derringer magnum, an icepick, a blackjack, \$700 in currency and several strips of adhesive tape cut in 10-foot lengths.

Annerino told a story of being shot by two hitchhikers, a male and female, he had picked up. But investigators believe he was the victim of an attempted mob hit. They note that Annerino recently has been busy trying to organize south suburban hookies and there is speculation that he failed to raise his now-injured right hand for mob permission before undertaking this mission.

In a ditch near Annerino's auto, investigators found a discarded .38-caliber snub-nose revolver. In the auto, they found evidence of a terrific struggle. Fragments of three bullets were discovered, the rear-view mirror had been ripped from its socket and the gear shift and turn indicator were bent.

FOOTNOTE: There is a touch of irony in the near-miss effort to kill Annerino. He faces a charge of unlawful use of a firearm because of the Derringer found in his hit kit.



SAM
ANNERINO

(Indicate page, name of newspaper, city and state.)

4 SUNDAY SUN TIMES
CHICAGO, ILLINOIS

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Edition: 4* FINAL

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